

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

BARRINGTON R PATTEN, Estate,

Plaintiff,

v.

Case No. 2:19-cv-763-FtM-60NPM

JENNIFER LACLAIR and ALLY
FINANCIAL INC.,

Defendants.

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**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING CASE**

This matter is before the Court on consideration of the report and recommendation of Nicholas P. Mizell, United States Magistrate Judge, entered on December 12, 2019. (Doc. # 8). Judge Mizell recommends Plaintiff Barrington R. Patten's "Application to Proceed in District Court Without Prepaying Fees or Costs" be denied, and that this action be dismissed. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S.*

Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

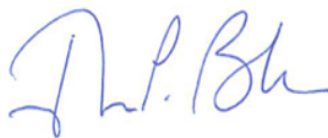
Upon due consideration of the record, including Judge Mizell's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Mizell's detailed and well-reasoned factual findings and legal conclusions, including that the Complaint is frivolous and any amendment would be futile. Consequently, Plaintiff's "Application to Proceed in District Court Without Prepaying Fees or Costs" is denied, and this action is dismissed with prejudice.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. # 8) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's "Application to Proceed in District Court Without Prepaying Fees or Costs" (Doc. # 2) is hereby **DENIED**.
- (3) This action is dismissed with prejudice. The Clerk is directed to terminate any pending motions and deadlines and thereafter close this case.

DONE and **ORDERED** in Chambers, in Fort Myers, Florida, this 8th day of January, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE